IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 20364 of 2004

Between:

The A.P. Karate Associations, 7-30/1, Chinthala Street,
Punganur, Chittoor District, Rep. by its General Secretary - R. Mahesh Kumar.

..... PETITIONER

AND

1 Government of India, Rep. by its Secretary, Youth Affairs and Sports Department, Ministry of Human Resources Development, New Delhi.
2 Sports Authority of India, Rep. by its Director General, Jawaharlal Nehru Stadium, Lodhi Road Complex, New Delhi.
3 Indian Olympic Association, Rep. by its Secretary General, Jawaharlal Nehru Stadium, New Delhi.
4 All India Karate Do Federation, I.T.T.S. House, 6th Floor, 28-K, Dubhash Marg, Mumbai, Maharashtra State.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 to 3 in not taking any action against the fourth respondent Federation on the notice issued by the Petitioner-Association on 21-10-2004, as illegal, arbitrary and violative of Article 14 of the Constitution of India and further direct the respondents 1 to 3 to send an observer for conducting the elections of fourth respondent Federation, which is scheduled to be held on 8-11-2004 or any other subsequent dates and further declare the action of the fourth respondent in not sending meeting notices, general circulars etc. to the petitioner Association; not allowing the petitioner Association to participate in the elections of the All India Karate Do Federation, Mumbai and not allowing the members of the petitioner Association to participate in Nation-Wide Tournaments/Camps /International Selections/Tournaments etc., as illegal, improper, unjust, arbitrary and contrary to law.

Counsel for the Petitioner:MR.N.BHARAT BABU

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court, at the stage of admission, made the following :

ORDER

Sri Gangaiah Naidu, senior counsel is not able to answer the specific question put by the Court, how the respondents are statutorily obligated to conduct the elections to the petitioner- association, but by simply reading the articles/rules and bye-laws of the fourth respondent-association, as per which, the 4th respondent is under obligation only to issue the notices inviting all the affiliated members of the fourth respondent society, including the petitioner for every meeting. The rules and regulations of the fourth respondent-society are not statutory in nature. In the absence of the same, no Mandamus as such can be issued. Counsel for the petitioner made an abortive attempt that on representation made by the petitioner-association to the respondents 1 to 3, they are under obligation to consider and dispose of the same, and for such consideration, Mandamus can be issued. The submission seems to be fallacious. It is well settled, Mandamus will be issued to compel performance of legal duty and in the absence of any statutory duty cast upon respondents 1 to 3 no mandamus as such can be issued to consider the representation.

I see no grounds to entertain the writ petition and is accordingly dismissed. However, the petitioner is at liberty to move competent civil Court for appropriate relief, according to law.

A. GOPAL REDDY. J.

5th November, 2004

tsr.

To

1 The Secretary, Government of India, Youth Affairs and Sports Department, Ministry of Human Resources Development, New Delhi.
2 The Director General, Sports Authority of India, Jawaharlal Nehru Stadium, Lodhi Road Complex, New Delhi.
3 The Secretary General, Indian Olympic Association, Jawaharlal Nehru Stadium, New Delhi.
4 The Secretary, All India Karate Do Federation, I.T.T.S. HOuse, 6th Floor, 28- K, Dubhash Marg, Mumbai, Maharashtra State.

5. Two C.D. copies.